

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TYRONE DAVIS, et al., etc.,                    )  
  )  
                          Plaintiffs,                    )  
  )  
                  v.    )     No.   10 C 5958  
  )  
ABM SECURITY SERVICES, INC.,                )  
  )  
                          Defendant.                    )

MEMORANDUM ORDER

ABM Security Services, Inc. ("ABM") has filed its Answer and Affirmative Defenses to the Amended Complaint brought against it under the Fair Labor Standards Act and related Illinois statutes. This memorandum order is issued sua sponte because of a problematic aspect of that responsive pleading.

Each of Answer ¶¶31 through 33 reads:

The allegation in this paragraph contains a legal conclusion for which no response is required.

That of course is a non sequitur, and it is dead wrong to boot--see App'x ¶2 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278-79 (N.D. Ill. 2001).

Accordingly those paragraphs are stricken. Leave is granted to ABM to file an amendment to its Answer on or before August 22, 2011 that responds appropriately to the Amended Complaint's corresponding allegations.



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Milton I. Shadur  
Senior United States District Judge

Date: August 12, 2011